

## **REMARKS**

This preliminary amendment adds no new matter to this application and is supported by the specification. Further, this amendment has been made for reasons unrelated to patentability.

Applicants respectfully submit that all of the pending claims are in condition for allowance and seeks early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the attorney on record, James L. Katz, at (312) 321-7739.

In the previous Final Office Action of November 10, 2003, the Examiner objected to various claims due to informalities. Further, claims 1-48 were rejected as being anticipated by U.S. Patent No. 6,005,759 ("Hart"). In order to expedite prosecution, each of the objections and rejections of the prior Final Office Action of November 10, 2003 are discussed below in connection with the various claims as amended by this preliminary amendment.

### **I. OBJECTIONS**

Claims 1, 3-9, 15, 32-38, 45, 47 and 48 were previously objected to due to informalities. The claim informalities have been corrected by this preliminary amendment for clarity and not for reasons related to patentability. No new matter has been added. The acronyms and/or Trademarks used in the claims 3, 4, 7-9, 32-38 are well known in the art and are included in the claims for the purposes of clarity and conciseness in subsequent dependent claims. The Applicants submit that the claims as presented are not indefinite. Further, the use of Trademarks are not prohibited by 35 U.S.C 112 as there is no mention of Trademarks in that section of the statute.

Claims 5-9 were previously objected to as being indefinite for failing to particularly point out and distinctly claiming the subject matter which the Applicant regards as the invention. The text in parenthesis represents the acronym defined by the preceding text as

known to those skilled in the art and are included for the purposes of clarity and conciseness in subsequent dependent claims. The Applicants submit that the claims are not indefinite.

Claims 15, 26, 47 and 48 have been amended to correct minor typographic errors.

Accordingly, the Applicant request that the Examiner reconsider the objections of these claims.

## **II. REJECTIONS UNDER 35 U.S.C. § 102(b)**

### **A. Independent Claims 1, 17, 26 and 46**

Independent Claims 1, 17, 26 and 46 were previously rejected under 35 U.S.C. § 102(b) as being anticipated by Hart. With this preliminary amendment, Claims 1, 17, 26 and 46 have been amended for clarity and not for reasons related to patentability. Support for this amendment can be found in the Specification. Applicants submit that Hart does not anticipate independent claims 1, 17, 26 and 46, as amended, as the cited reference fails to disclose all the elements of the claims.

The Applicants respectively traverse the Examiner's arguments that the intelligent controller 19 disclosed by Hart directly contains an Analog-to-Digital converter (ADC) 315. *See* the Final Office Action of November 10, 2003, page 3, para. 6. In particular, as noted by the Examiner, Hart states that “[p]ower quality (PQ) events are monitored by the intelligent controller 19 (Fig 1) and are integrated into existing field equipment having signal processing capability such as a recloser, switch or relay device. In the relays, etc., the signal values desired to calculate the events are already present.” *See* Hart Col 9, lines 7-11. This indicates that the device that contains the ADC (“such as a recloser, switch or relay device”) is separate from the device that receives the pre-calculated PQ events (the “intelligent controller”). Thus the intelligent controller 19 disclosed in Hart does not contain the elements “at least one sensor coupled with an electric circuit and operative to sense at least one electrical parameter in said electric circuit and generate at least one analog signal indicative thereof; a meter housing; at least one analog to digital converter located in said meter housing and coupled with said at least one sensor and operative to receive said at least one analog signal and convert said signal to at least one first digital signal” as recited in Claim 1, 17 and 26 as these elements are clearly located in a separate “recloser, switch or relay device”. Nowhere in Hart is an intelligent controller 19 described as containing an

analog to digital converter but rather, the intelligent controller 19 uses the existing “signal values” that are present in the “recloser, switch or relay device” to “calculate the events”. The “recloser, switch or relay device[s]” are further described as being in the LAN 15. “The LAN 15 is a conventional network comprising data processing units, circuit breakers, relays and transmitters, e.g. a 485 twisted pair LAN.” *See* Hart Col 4, lines 18-21.

The Applicants further respectively traverse the Examiner’s assertion that Hart reference 10 shows a meter housing as claimed. With this preliminary amendment, the claimed meter housing has been further clarified. Hart discloses a substation 10 which is well known in the art as including numerous individual devices. Further Hart defines the disclosed substation 10, stating “[t]he substation 10 comprises a local area network (LAN) 15, a gateway 17, and an intelligent controller 10. The LAN 15 is a conventional network comprising data processing units, circuit breakers, relays, and transmitters, e.g. a 485 twisted pair LAN.” *See* Hart Col 4, line 17-21. Accordingly, as Hart discloses that the substation 10 comprises the Local Area Network, Hart fails to disclose that the network is located outside of the meter housing as claimed.

In addition, one of ordinary skill in the art would appreciate that the devices described in Hart, as components of the substation 10, *do not physically share a common meter housing* due to numerous technical and regulatory reasons. Further it is well known in the art that a LAN is used for networking separate discrete devices, such as several meters, and not for networking individual components contained within a meter housing. Thus the Applicants respectively submit that the Hart reference does not show an “energy meter comprising:...a meter housing” in combination with the other claimed elements as is claimed in claims 1, 17, 26, and 46.

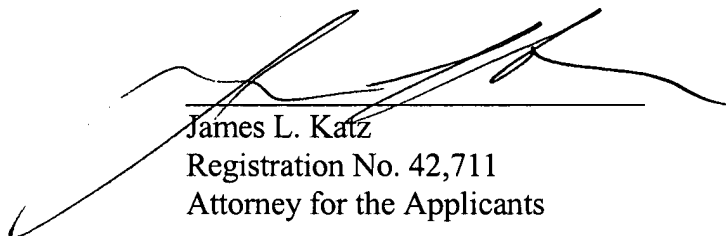
For at least these reasons Hart does not anticipate independent Claims 1, 17, 26 and 46 as amended by this preliminary amendment.

#### **B. Dependent Claims 2-16, 18-25, 27-45, 47-48**

Dependent Claims 2-16, 18-25, 27-45, 47-48 were also previously rejected under 35 U.S.C. § 102(b) as being anticipated by Hart. The allowability of the dependent claims follows from the independent claims which should be allowed for the reasons set out above.

For at least these reasons Hart does not anticipate dependent Claims 2-16, 18-25, 27-45, 47-48.

Respectfully submitted,



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